

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

Criminal Application No.2348 of 2005

Office Notes, Memoranda of Coram,

appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.

CORAM : R.C.Chavan, J.

DATE : August 22, 2006.

Heard Mr.M.N.Khan, Adv. for
the Applicant and Mr.Ahirkar, A.P.P. for
the Respondent-State.

By this application u/s. 482 of
the Code of Criminal Procedure, the
applicant – an accused in Criminal
Complaint Case No.93 of 2005 before the
learned Judicial Magistrate, First Class, 4th
Court, Nagpur seeks quashing of an order
passed on Exh.56 refusing his exemption
from personal appearance and the
interim order passed on the same day
directing issuance of Non-bailable
warrant against the applicant.

Since in this case the order
directing issuance of N.B.W. is not shown

to have been stayed by now, either the applicant might have been arrested and produced before the Court and bailed out or applicant might have evaded arrest. Hence, it would be appropriate for the applicant to appear before the Court and seek appropriate bail from that Court. Therefore, there is absolutely no warrant for exercise of inherent jurisdiction of this Court for quashing or setting aside the impugned order. Moreover, the applicant's medical condition can be stated before the trial Judge while seeking bail. The application is, therefore, rejected.

JUDGE

ssj